ethnic group, which is predominantly Shi'a Muslim, was particularly severe. Although the conflict between the Hazaras and the Taliban was political and military as well as religious, and it was not possible to state with certainty that the Taliban engaged in its campaign against the Hazaras solely because of their religious beliefs, the religious affiliation of the Hazaras apparently was a significant factor leading to their repression.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights for men; however in practice their ability to travel within the country was hampered by sporadic fighting, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service. Despite these obstacles, many men continued to travel relatively freely, with buses using routes in most parts of the country. The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed (see Section 5). Women were forbidden to leave the home except in the company of a male relative. U.N. Security Council sanctions imposed because of the Taliban's links to international terrorism were lifted, and the Afghan airline Ariana's landing rights at non-foreign airports were reinstated. Ariana commenced international flights in September.

Commercial trade was impeded as local commanders and criminals continued to demand road tolls and at times close roads.

Afghan refugees returned home in record numbers during the year. Most of the 2 million returnees availed themselves of UNHCR's assistance, while a smaller number returned spontaneously. UNHCR estimates that more than 3 million Afghan refugees remained in Pakistan, Iran, and other neighboring countries at year's end. Iran and Pakistan forcibly repatriated approximately 38,500 refugees during the year. There were approximately 700,000 displaced persons. Women and children constituted 75 percent of the refugee population. The majority of refugee returnees have settled in urban areas, which placed additional strain on the cities' already overburdened infrastructures. There were further population movements from rural to urban areas due to drought, insecurity, and inadequate assistance in rural areas. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning.

According to HRW, since the collapse of the Taliban regime in the northern part of the country, ethnic Pashtuns throughout the country have faced widespread abuses including killings, sexual violence, beatings, and extortion. Pashtuns reportedly were targeted because their ethnic group was closely associated with the Taliban regime. According to U.N. estimates, approximately 60,000 Pashtuns became displaced because of the violence. In late February, the UNHCR issued public reports that contained allegations by ethnic Pashtuns entering Pakistan that they were fleeing human rights abuses in the northern section of the country. The AIA's interlocutor on assistance issues established a commission to look into human rights problems faced by the Pashtuns in the north.

In October 2001, the Government of Iran set up two camps for Afghan IDPs who were attempting to flee to Iran from territory that was then controlled by the Taliban. The camps sheltered more than 10,000 refugees at year's end.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On December 5, 2001, a U.N.-sponsored Afghan peace conference in Bonn, Germany, approved a broad agreement for the establishment of transitional mechanisms, including a 6-month AIA to govern the country. There was a peaceful transfer of power from the AIA to the TISA during the June Emergency Loya Jirga. The Government allowed citizens the right to change their government through Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. President Karzai selected a cabinet of 5 vice presidents and 29 ministers. The Loya Jirga deferred a decision on the creation of a national legislature. Under the Bonn Agreement, elections will be held in June 2004.

Some violence marred the selection of Loya Jirga delegates in the provinces. In the Herat area, according to HRW, local authorities used arrests and violence to intimidate candidates

in the Loya Jirga selection process who were not supporters of Ismail Khan, including Pashtuns, some women, and those associated with former king Zahir Shah. In late May, Ismail Khan's security forces arrested Mohammad Rafiq Shahir, head of Herat's Professionals' Shura, a civic group of intellectuals, lawyers, doctors, and teachers. Herat authorities reportedly warned Shahir not to participate in the Loya Jirga process.
There also were widespread reports of bribery throughout the country during the Loya Jirga selection process. A number of Loya Jirga delegates reported receiving threats after speaking out against the participation of warlords in the gathering. Other delegates, according to HRW, expressed alarm at the intrusive presence of agents from the Government's intelligence service.
Citizens had the opportunity to question senior leaders during the Loya Jirga. Inside and outside the Loya Jirga, political workers handed out posters and literature. Men and women were able to engage in discussions freely. U.N. observers estimated that 1,200 out of the 1,500 elected delegates turned out to witness the proceedings. Unlike in previous years, the Government encouraged the leaders of all ethnic minorities to engage in meaningful political dialog with opponents.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some of these were based in neighboring countries, mostly Pakistan, with branches inside the country; others were based in the country. The focus of their activities was primarily humanitarian assistance, rehabilitation, health, education, and agriculture. However, the lack of security and instability in the north and southeast severely reduced NGO activities in these areas. During the year, there were continued attacks on aid groups, including the gang rape of an international staff member, the robberies of two NGO offices, and the firing on NGO vehicles (see Section 1.g.). For example, on March 1, the World Food Program reported that it had been forced to temporarily suspend its food distribution in the north after fighting between unnamed parties made the area too dangerous for operations to continue.
Several international NGOs, including the International Human Rights Law Group (IHRLG) and HRW, were run by local employees who monitored the situation inside the country. IHRLG ran a series of legal education seminars for local attorneys.
In August, as mandated by the Bonn Agreement, an independent Afghan Human Rights Commission was formed. During the year, the Commission showed signs of independence from Government control. By year's end, the Commission collected over 500 complaints or requests for assistance on human rights abuses. However, lack of financial resources and personnel confined the Commission's activities largely to Kabul.
In October the U.N. Special Rapporteur for Extra-Judicial, Arbitrary, or Summary Executions and the U.N. Special Rapporteur for Human Rights visited cities throughout the country.
In January and February, PHR conducted a survey of possible mass gravesites in the north, including Dasht-i Leili, where Taliban fighters who died in the custody of General Dostum's Jumbesh forces were allegedly buried. In April a U.N. team conducted a follow up visit to the Dasht-i Leili site and exhumed approximately 15 bodies. While General Dostum and other northern leaders issued public statements offering to cooperate with an investigation, northern authorities also indicated in the late summer and early fall that they could not provide security to investigators (see Section 1.g.).
Security conditions and instability in the north and southeast impeded NGO assistance activities. During the year, there were reports that commanders in the north were "taxing" humanitarian assistance, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Sections 1.g. and 2.b.).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The 1964 Constitution, in effect under the Bonn Agreement, states that "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations under the law." However, statutory law has not been modified to be consistent with anti-discrimination principles. At year's end, local custom and practices generally prevailed in much of the country. Discrimination against women was widespread. However, its severity,

varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There was greater acceptance of persons with disabilities as the number of persons maimed by landmines and warfare increased and as the presence of persons with disabilities became more widespread.

Women

Following the Taliban's fall from power, the arrival of the AIA, and easing of restrictions on women, the international community noted some improvements in the status of women; however, serious problems remained. HRW reported that advances in women's and girls' rights were tempered by growing government repression of social and political life. In December President Karzai decreed that women have the right to choose whether to wear the burqa. The central Government named several women to cabinet positions and other areas of responsibility. Women in a number of places regained some measure of access to public life, health care, and employment; however, lack of education and limited employment possibilities continued to impede the ability of many women to improve their situation.

As lawlessness and sporadic fighting continued in areas outside Kabul, violence against women persisted, including beatings, rapes, forced marriages, and kidnapings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds rape. Information on domestic violence and marital rape was limited. In a climate of secrecy and impunity, it was likely that domestic violence against women remained a serious problem.

Women actively participated in the Loya Jirga (see Section 3). Women were able to question leaders openly and discussed inter-gender issues during the Loya Jirga. Dr. Masouda Jalal, a woman, stood as a candidate for the presidency. However, some security officials attempted to intimidate female participants. For example, Defense Minister Fahim directly ordered a security official to desist when one guard tried to silence a woman questioner. During the Loya Jirga, AIA Minister for Women's Affairs Sima Samar received death threats for allegedly insulting Islam. Samar charged that fundamentalists who objected to her outspoken manner trumped up the allegation. The controversy did not end publicly until Supreme Court Chief Justice Fazl Shinwari exonerated her of the charge (see Section 2.c.).

Throughout the country, approximately 100 women were held in detention facilities. Many were imprisoned at the request of a family member. Some of those incarcerated opposed the wishes of the family in the choice of a marriage partner. Others had committed adultery. Some faced bigamy charges from husbands who granted a divorce only to change their minds when the divorced wife remarried. Other women faced similar charges from husbands who had deserted them and reappeared after the wife had remarried. In early November, President Karzai released 20 women in Kabul in an amnesty associated with Ramadan. However, Kabul's Police Chief Basir Salangi stated that the police would continue to arrest women if their husband or family brought a complaint to the authorities.

The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed.

Women in the north, particularly from Pashtun families, were the targets of sexual violence throughout the year. According to HRW, Uzbek, Tajik, and Hazara commanders perpetrated many of the attacks. Local commanders, particularly in the north, used rape as a tool of intimidation against the international and local NGO community (see Section 2.c.).

There also were reports that minority women sometimes were subjected to forced marriage, which sometimes resulted in self-immolations. Although statistics were not available, hospital doctors reported that these self-immolations were increasingly common among young women in the western part of the country. For example, a 14-year-old arrived at the hospital in Herat in critical condition with burns over most of her body. She had been given in marriage to a 60-year-old man with grown children.

Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a

male relative (see Section 2.d.). In November the Government revived the activities of the Department of Vice and Virtue, particularly in Kabul and Herat. During the year, that department changed its name to the Department of Accountability and Religious Affairs and planned to advocate only that women wear a headscarf in public. However, in December HRW alleged that women who were caught talking with men on the streets of Herat risked being seized by special moral police, taken to a hospital, and forced to undergo an exam to determine if they had sex. By year's end, these allegations had not been further substantiated.
According to NGOs, in Herat, the authorities in the spring and summer called in female NGO workers to instruct them to dress and behave "properly." There were no further reports of such meetings during the year; however, local authorities reportedly continued to exert strong pressure on women to conduct and dress themselves in accordance with a conservative interpretation of Islam and local customs. In November Judge Marzeya Basil was reportedly dismissed from her position in Kabul after local television broadcast pictures of her shaking hands with male foreign heads of state and not wearing a headscarf. The local broadcast of the visit also generated complaints from the public about women in the group appearing without headscarves. Court authorities in Kabul claimed that Basil was dismissed because she had been absent for more than 20 days from her position without permission.
In previous years, Taliban actions significantly reduced women's access to health care by excluding women from treatment by male physicians in most hospitals. During the year, some women continued to be denied access to adequate medical facilities. According to Management Sciences for Health, nearly 40 percent of the 756 basic primary-health facilities had no female workers, a major deterrent for women because societal barriers discouraged them from seeking care from male heath workers. Life expectancy rates were estimated at 45 years for women and 46 years for men. Researchers found an average of 1,600 maternal deaths per 100,000 live births. In the same health survey, it was determined that only 10 percent of the country's hospitals had equipment to perform cesarean sections. In most regions, there was less than 1 physician per 10,000 persons. Health services reached only 29 percent of the population and only 17 percent of the rural population.
Since the fall of the Taliban, there were some improvements in the status of women, especially in the area of education. Unlike in previous years, girls were allowed to return to school and university; however, the lack of teachers, materials, and security concerns remained deterrents to girls' education. At year's end, education official in Herat Province reported that 97,906 girls enrolled in school during the year. According to the U.N., 500 of the 3,000 persons who took university entrance examinations were women.
Approximately 85 percent of women were illiterate and in rural areas, illiteracy rates among women often were nearly 100 percent.
Unlike in previous years, women in most areas were permitted to drive. In September an NGO that trains and counsels women in war-torn countries offered a driving school for women.
Children
Local administrative bodies and international assistance organizations took action to ensure children's welfare to the extent possible; however, the situation of children was very poor. Approximately 45 percent of the population was made up of children age 14 or under. The infant mortality rate was 250 out of 1,000 births; Medecins Sans Frontieres reported in 2000 that 250,000 children per year die of malnutrition. One-quarter of children die before the age of 5. These figures most likely have increased due to another year of drought, intensified fighting, and massive displacement. A Management Sciences for Health study also found that only about one-fourth of all health facilities offer basic services for children, including immunization, antenatal care, postpartum care, and treatment of childhood diseases. An UNICEF study also reported that the majority of children were highly traumatized and expected to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.
While girls throughout the country were able to attend school, the U.N. reported that in

some areas a climate of insecurity persisted. In the spring, anonymous leaflets distributed at schools in the Kandahar area urged citizens not to cooperate with foreigners. On September 25, a girls' school near the northern town of Sar-i Pul was set on fire. In mid-September a small device reportedly detonated under a chair in a changing room in a coeducational primary school in Kandahar, causing minor injuries to a teacher. On October 25, in Wardak Province, unknown assailants fired rockets at the De Afghanan School. The school was badly damaged; however, no one was injured in the attack. A leaflet was left near the school denouncing the influence of foreigners on women and girls.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers. Northern Alliance officials publicly stated that their soldiers must be at least 18 years of age, but press sources reported that preteen soldiers were used in Northern Alliance forces.

Persons with Disabilities

The Government took no measures to protect the rights of persons with mental and physical disabilities or to mandate accessibility for them. In December hundreds of persons with disabilities protested against the State, claiming that the State was not doing enough to care for them. In addition, they demanded the resignation of the Minister of the Disabled, Abdullah Wardak, and accused him of not disbursing foreign aid meant for them. There reportedly has been increased public acceptance of persons with disabilities because of their increasing prevalence due to landmines or other war-related injuries. An estimated 800,000 persons suffered from disabilities requiring at least some form of assistance. Although community-based health and rehabilitation committees provided services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts, and they were able to assist only a small number of those in need.

Section 6 Worker Rights

a. The Right of Association

The Bonn Agreement revived the 1964 Constitution's broad provisions for protection of workers and a mixture of labor laws from earlier periods; however, little is known about labor laws, their enforcement, or practices. Labor rights were not defined beyond the Ministry of Labor, and in the context of the breakdown of governmental authority there was no effective central authority to enforce them. The only large employers in Kabul were the governmental structure of minimally functioning ministries and local and international NGOs.

b. The Right to Organize and Bargain Collectively

Current law is not fully in compliance with internationally recognized workers rights to form free trade unions. The country lacks a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the Government.

There were no reports of labor rallies or strikes.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The 1964 Constitution prohibits forced or bonded labor, including by children; however, little information was available regarding forced or compulsory labor.

d. Status of Child Labor Practices and Minimum Age for Employment

According to labor laws, children under the age of 15 were not allowed to work more than 30 hours per week. However, there was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Children from the age of 6 often worked to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices exposed children to the danger of landmines.

The Government was not a party to the ILO Convention 182 on Child Labor. However, according to the Ministry of Labor and Social Affairs, the country followed ILO standards regarding child labor.

e. Acceptable Conditions of Work

According to labor laws, the average workweek for laborers was 40 hours. However, there

was no available information regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many workers apparently were allotted time off regularly for prayers and observance of religious holidays. Most persons worked in the informal sector.

f. Trafficking in Persons

There was no legislation prohibiting trafficking in persons. A July U.N. report on Women and Human Rights reported increasing anecdotal evidence of trafficking in Afghan girls to Pakistan, Iran, and the Gulf States. Some girls reportedly were kept in brothels used by Afghans. The whereabouts of many of the girls, some as young as 10, reportedly kidnaped and trafficked by the Taliban remained unknown.

The U.N. July report also noted that many poor families were promising young girls in marriage to satisfy family debts.

There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories.

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Afghanistan



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Afghanistan has experienced civil war and political instability for 23 years. The arrival of Operation Enduring Freedom (OEF) forces and the collapse of the Taliban in 2001 helped to begin to bring an end the decades-long pattern of serious human rights abuses. There was no functioning central government from 1996 until December 22, 2001, when the Afghan Interim Administration (AIA) took office. On December 5, 2001, a U.N.-sponsored Afghan peace conference in Bonn, Germany, approved a broad agreement for the establishment of transitional mechanisms, including a 6-month AIA to govern the country. There was a peaceful transfer of power from the AIA to the Transitional Islamic State of Afghanistan (TISA). As mandated by the Bonn Agreement, the AIA/TISA formed the Judicial Commission, the Human Rights Commission, and a Drafting Committee of the Constitutional Commission to begin the process of reform in these areas. A Civil Service Commission has yet to be named. In June the Emergency Loya Jirga, a gathering of Afghan representatives from throughout the country, elected Hamid Karzai as President of the Transitional Islamic State of Afghanistan. Karzai subsequently formed a cabinet including two female members and broad ethnic representation. The Loya Jirga was unable to reach a decision on formation of a legislative body and deferred its creation until elections scheduled for June 2004. Major provincial centers were under the control of regional commanders. With one significant exception in the southeast, these commanders acknowledged the Karzai administration as the legitimate central authority. Karzai appointed governors to all 32 provinces. The 1964 Constitution served as the interim Constitution. The legal framework of the country and judicial system of the country were also set forth in the Bonn Agreement. Existing laws, not inconsistent with the Bonn Agreement, the country's international obligations, or applicable provisions of the Constitution, remained in effect. Judicial power rested with the Supreme Court. Under the Karzai Government, the rule of law applied throughout the country; however, in practice recognition of the rule of law, particularly outside of Kabul, was limited. Years of Soviet occupation and civil war resulted in the country's laws becoming a mix of codes. During these years, much of the formal judicial structure deteriorated. The judiciary continued to operate on an ad hoc basis.
During most of 2001, the Taliban, an ultra-conservative Islamic movement, controlled approximately 90 percent of the country. On October 7, 2001, OEF, a U.S.-led coalition, began military action aimed at toppling the Taliban regime and eliminating the al-Qa'ida network in the country. U.S. forces worked in concert with anti-Taliban forces of the Northern Alliance as well as others in the southern part of the country. By mid-November 2001, the Taliban had been removed from power. U.S. military operations continued during the year, especially in southern and eastern regions, to capture and detain remaining Taliban and al-Qa'ida fighters.

The International Security Assistance Force (ISAF), established on December 20, 2001, was responsible for the security of Kabul under the command of the United Kingdom and later Turkey. Outside the capital, regional commanders and warlords maintained local militias. Sporadic fighting continued across the north among rival commanders loyal to Jumbesh leader General Abdul Rashid Dostum and Jamiat-i Islami commander Mohammad Atta. There was also skirmishing in the west near Shindand between Herat leader Ismail Khan and Pashtun commander Amanullah Khan. In October Pacha Khan Zadran, a warlord in Khost/Paktia, fled from Khost after months of instigating attacks on forces loyal to the Karzai Government and refusing to yield the governor's residence to a Karzai appointee.
The dislocations associated with more than 20 years of fighting, together with years of severe drought, reduced the country's economy to below subsistence level for a majority of the population. A U.N.-sponsored health survey in the north in January 2001 found alarming

levels of malnutrition, especially among women and children. Most of the population of approximately 25.8 million remained engaged in agriculture and animal husbandry. In previous years, opium poppy was the mainstay of the economy and largely financed the military operations of various provincial authorities. While production dropped dramatically in 2001 after a Taliban ban on poppy growth, cultivation resumed and produced one of the world's largest poppy harvests during the year. The severe drought affected more than half of the population and continued to affect severely approximately 5 to 6 million persons. The drought increased internal displacement and caused massive loss of livestock and loss of livelihood. Livestock losses were reported at approximately 50 percent. Crop loss in many areas averaged 75 percent. Additionally, a lack of resources and the prolonged civil war impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards. Since the AIA/TISA took office, rehabilitation efforts in these areas accelerated with international assistance. While the removal of the Taliban permitted increased mine clearance activity, millions of landmines and unexploded ordnance remained throughout the country, restricting areas available for cultivation. In October TISA successfully began introduction of a new currency. Formal economic activity consisted primarily of small to medium shops buying and selling a range of materials and goods transiting the country. There was little manufacturing or industrial activity. The country was dependent on international assistance, and large portions of the population required food aid to survive. Reconstruction, primarily in the areas of water and sanitation, hospitals, schools, and secondary roads, proceeded in differing degrees throughout the country.

The Government made significant progress in establishing democracy and good governance during its first full year of democratic government after prolonged civil war and political instability; however, reconstruction and recovery was the central focus of activity, and numerous problems remained. The Government allowed citizens the right to change their government through Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. Members of the security forces committed arbitrary, unlawful, and some extrajudicial killings, and officials used torture in jails and prisons. Prison conditions remained poor. Overcrowding and limited food and medical supplies contributed to deteriorating health and even death among prisoners. There were approximately 500,000 displaced persons. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning to their country. The Karzai Government generally provided for the freedom of speech, the press, assembly, association, religion, and movement; however, serious problems remained. Violence and societal discrimination against women and minorities were problems. Women and girls were subjected to rape and kidnaping, particularly in areas outside Kabul where security problems persisted. Local commanders in northern provinces targeted Pashtuns for murder, looting, rape, and destruction of property. Approximately 60,000 Pashtuns became displaced because of the violence. Worker rights were not defined, although the 1964 Constitution generally prohibited forced labor. Local reports indicated there was widespread disregard for and abuse of internationally recognized worker rights. Child labor persisted. Afghanistan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The remnants of the Taliban and rogue warlords sometimes threatened, robbed, attacked, and occasionally killed local villagers, political opponents, and prisoners. During the year, some efforts were made to bring to justice those persons responsible for serious abuses. On October 9, Abdul Shah, a Taliban commander, was convicted of mass murder and sentenced to 20 years in prison.

In addition, significant efforts were made to improve the situation for women. After the fall of the Taliban, some women, primarily in Kabul, were able to discard the burqa, a head-to-toe veil that the Taliban enforced rigidly. In December President Karzai decreed that women had the right to choose whether to wear the burqa. Female civil servants and teachers also were able to return to work. International organizations and non-governmental organizations (NGOs) were able to employ women. For example, on March 8, the country celebrated International Women's Day for the first time in many years. Hundreds of schools nationwide

were opened or reopened for 3 million boys and girls beginning in March. In May a new primary school for 600 boys and 430 girls opened in the village of Nawabad. In Herat Province, nearly 100,000 girls enrolled in schools in grades 1-12 during the year. With the assistance of United Nations High Commissioner for Refugees (UNHCR) and the Ministry of Rural Reconstruction and Development, more than 2 million Afghan refugees returned to their home communities around the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The arrival of the OEF forces and the collapse of the Taliban in 2001 helped begin to bring an end to the decades-long pattern of serious human rights abuses, including extrajudicial killings. However, in the aftermath there continued to be reports of unlawful killings. In November police used excessive force and killed two persons to disperse demonstrations in Kabul when hundreds of students protested living conditions in dormitories (see Section 2.b.). The Government launched an investigation into the incident; however, no findings had been issued at year's end. According to Amnesty International (AI), there were reports of intimidation, attacks, and killings during the Loya Jirga process. One report stated that at least eight persons were killed during the delegate selection process, and in Herat, several candidates were arbitrarily detained, harassed, and threatened. At year's end, no investigation or arrests had been made in connection with the killings.

There were reports of deaths in custody. In November the U.N. reported that at least one potential witness to the events that surrounded the November 2001 transport of Taliban prisoners who died in September after being taken into custody by Jumbesh leader General Dostum's forces. Taliban fighters died in fighting, during the suppression of a riot and while in custody in Mazar-i Sharif (see Section 1.g.).

In 1998 the U.N. found several mass graves connected with the massacre of Taliban fighters near Mazar-i Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. At year's end, mass killings from 1997 and 1998 had not been fully investigated.

During the year, there were instances of government forces killing civilians during the fight against Taliban supporters. In August 70 persons reportedly were killed in fighting between ethnic Tajik forces and ethnic Pashtuns forces in Herat.

An estimated 400,000 Afghans have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance were estimated at 10 to 12 per day (see Section 1.g.).

There were numerous bombings during the year. For example, on April 8, 4 persons were killed and 12 injured when a bomb exploded near a car carrying the Defense Minister Mohammed Fahim in Jalalabad. On June 19, unknown assailants launched a rocket near the U.S. Embassy. There were no injuries. On September 5, approximately 35 persons were killed by a car bomb in Kabul. No one claimed responsibility for any of these acts.

The lack of an effective police force, poor infrastructure and communications, instability, and insecurity made it difficult to investigate unlawful killings, bombings, or civilian deaths, and there were no reliable estimates of the numbers involved.

Unknown assailants attacked and killed several senior officials. For example, in February Civil Aviation Minister Abdul Rahman was killed at Kabul airport. No suspect had been arrested and by year's end, no prosecution had taken place. In July Vice President and Public Works Minister Haji Abdul Qadir was killed in an ambush while leaving his office. At year's end, there had been no claim of responsibility. President Karzai appointed a five-member team of officials to investigate the killing. By year's end the case still was under investigation. On September 5, a 19-year-old assailant killed one person in an attempt to assassinate President Karzai.

In November 2001, Taliban prisoners staged a revolt at Qala-i Jangi near Mazar-i Sharif. Approximately 120 prisoners died during the uprising. There were reports that Northern

Alliance fighters killed some of the prisoners after the uprising had been brought under control. No action was taken against those reportedly responsible for post-battle executions of prisoners.

There were no developments in the 2001 mass killings by the Taliban of mainly Shi'a Hazaras in Yawkowlang.

b. Disappearance

There were reports of politically motivated disappearances. In September the U.N. reported the disappearance of several potential witnesses to the deaths of Taliban prisoners transported to Shiberghan prison in November 2001. There were allegations that forces loyal to northern leader General Dostum were responsible for these disappearances.

There were credible allegations of Taliban responsibility for disappearances, abductions, kidnapings, and hostage—takings between 1998 and 2001. Taliban forces reportedly abducted women and girls from Taloqan, the Shomali plain, and Hazara neighborhoods in Mazar-i Sharif. A number of accounts indicated that the Taliban forced women and girls into marriages or trafficked them to Pakistan and the Arab Gulf states. The whereabouts of most of these women and girls remained unknown. By year's end, the whereabouts of thousands of persons detained by the Taliban, including those detained after the capture of Mazar-i Sharif in 1998, fighting in Taloqan in 2000, and occupation of Yakawlang in 2001, remained unknown.

There were no developments in the disappearances of General Abdul Rahman, General Farooq, Moulvi Shabuddin, Waliullah Dagarwal, General Syed Agha Rayees, engineer Nabi Shah, and Wolaswal Ismail.

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POWs) from the Soviet-Afghan war (1979-1989). Most were thought to be dead or to have assimilated voluntarily into Afghan society, although some allegedly were held against their will. A number of persons from the former Soviet Union, missing since the period of the Soviet occupation, were presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1964 Constitution, in effect under the Bonn Agreement, prohibits such practices, and torture did not appear to be systematic throughout the country, but there were reports of abuses. Some provincial authorities were believed to have used torture against opponents and POWs, although specific information generally was lacking. Some prison officials reportedly beat prisoners in Kabul. In November Human Rights Watch (HRW) alleged that some police authorities in Herat routinely employed electric shock on detainees. HRW also reported that some Herat security officials beat prisoners who were hung upside down. In late May, Herat Governor Ismail Khan's security forces arrested Mohammad Rafiq Shahir, and police reportedly beat Shahir so severely that cuts and bruises were still visible during the Loya Jirga in mid-June (see Section 3). According to a 2001 report, prison authorities in Badakhshan Province routinely used rubber and plastic-bound cables in beatings.

Prison conditions remained poor. According to AI, prisoners lived in overcrowded, unsanitary conditions in collective cells and were not sheltered from severe winter conditions. In January the Physicians for Human Rights (PHR) reported on the "deplorable conditions" at Shiberghan Prison. The PHR found severe overcrowding, non existent sanitation, exposure to winter cold, inadequate food, and no medical supplies for the 3,500 prisoners. Dysentery, pneumonia, and yellow jaundice were epidemic. According to the PHR report, the cells in Shiberghan were constructed to house 10 to 15 prisoners, but they held 80 to 110 men during the year.

A number of regional leaders, particularly Ismail Khan in Herat and General Dostum in Shiberghan, maintained prisons that most likely held political detainees. Herat prison held 600 to 700 prisoners. Shiberghan prison held approximately 1,000 inmates, including Taliban fighters and a number of Pakistanis.

The International Committee of the Red Cross (ICRC) continued to visit detainees during the year; however, fighting and poor security for foreign personnel limited the ability of the ICRC to monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile

Legal and law enforcement institutions existed but operated unevenly throughout the

country due to lack of personnel and training. During the year, justice was administered on an ad hoc basis according to a mixture of codified law from earlier periods, Shari'a law, and local custom. Persons were subject to arbitrary detention. There were credible reports that local police authorities extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Procedures for taking persons into custody and bringing them to justice followed no established code. Practices varied depending on the area and local authorities. Some areas had a more formal judicial structure than others.

There were unconfirmed reports of private detention facilities around Kabul and in northern regions of the country.

In the months proceeding the Loya Jirga in June, Ismail Khan's officials reportedly arrested Loya Jirga candidates who were not his supporters.

In November 2001, supporters of former king Zahir Shah reportedly were arrested and severely beaten by Herat authorities. The arrests took place when the former king's supporters attempted to hold a political rally near Herat's main mosque.

A number of persons arrested by the Taliban for political reasons were believed still to be in detention until the fall of the Taliban late in 2001. The whereabouts of such detainees was uncertain at year's end.

There was no information available regarding forced exile.

e. Denial of Fair Public Trial

With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. The Bonn Agreement called for the establishment of a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law, and local legal traditions. In November the Government inaugurated the Judicial Commission, and President Karzai appointed two women and various ethnic minorities to it. The judiciary operated with minimal training.

The administration and implementation of justice varied from area to area and depended on the inclinations of local authorities. In the cities, courts decided criminal and civil cases. There reportedly was a lower court and a higher court in every province. The Supreme Court was located in Kabul. In cases involving murder and rape, convicted prisoners generally were sentenced to execution, although relatives of the victim could instead choose to accept other restitution or could enforce the verdict themselves. Decisions of the courts reportedly were final. The courts reportedly heard cases in sessions that lasted only a few minutes. According to AI, some judges in these courts were untrained in law and at times based their judgments on a combination of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas. In rural areas, local elders and shuras were the primary means of settling criminal matters and civil disputes.

In September a closed court convicted Abdullah Shah, a former commander, of mass murder, including the killing of 50 Hazaras during a bus hijacking. Before Shah's appeal was formally heard by the Supreme Court, Chief Justice Fazl Shinwari publicly stated that Shah should receive the death sentence. Shah subsequently received a death sentence at the conclusion of his appeal. Shah did not have legal representation during the appeal. In general defendants did not have the right to an attorney, although they were permitted attorneys in some instances.

Most provincial authorities likely held political prisoners, but there were no reliable estimates of the numbers involved.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The 1964 Constitution, in effect under the Bonn Agreement, states that, "No one, including the State can enter or search a residence without the permission of the resident or the orders of a competent court." However, armed groups forcibly invaded and looted the homes and businesses of civilians. These gunmen reportedly acted with impunity, due to the absence of a responsive police force or legal protection for victims. In addition, it was unclear what authority controlled the actions of the local commanders, who patrolled the streets of cities and towns outside of the areas controlled by the ISAF. In the north, local commanders, particularly Jumbesh commander Lal, targeted Pashtuns, abusing female

members of families, confiscating property, and destroying homes.
In the southeastern town of Gardez, unknown extremists began an intimidation campaign, leaving leaflets warning video shop owners to stop selling cassettes. In September a bomb exploded, destroying four shops and damaging eight others. On April 27, shells and rockets exploded destroying shops and killing 18 persons.
Kabul police authorities placed women under detention in prison, at the request of family members, for defying the family's wishes on the choice of a spouse.
There were reports of forcible conscription in the north by forces loyal to Jumbesh leader General Dostum (see Section 1.g.).
g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts
The international community worked closely during the year with local officials in the delivery of humanitarian assistance. The Taliban's rapid fall from power averted a much-feared large-scale humanitarian disaster. After the fall of the Taliban, looting by armed groups and individuals, general insecurity, and harsh weather conditions at times hampered humanitarian assistance efforts. Primary limitations for the delivery of assistance remained logistical and centered on the difficulties in moving relief goods overland to geographically remote areas. Continued lawlessness and sporadic fighting in northern areas also impeded assistance efforts. Instability in the southeast, where Taliban and al-Qa'ida remnants remained at large and where local warlord Pacha Khan Zadran openly attacked forces loyal to the central Government, limited delivery of assistance to this sector. In November President Karzai fired approximately 20 senior and 80 minor officials for corruption and facilitating insecurity on the roads.
A U.N. report released in late June catalogued the intimidation and violence directed at NGO workers including threats, accusations, kidnapings, attacks, murder, rape of family members of local NGO staff, and armed robbery. Some provincial governors extorted a "tax" from local NGOs. NGOs sometimes were forced to pay twice if district leaders were from different provincial authorities. Despite issuing a number of resolutions agreeing to cooperate and improve security conditions, senior factional leadership managed to take action only in a minority of cases and often with little commitment.
For example, on June 8, armed men in Mazar-i Sharif raped an NGO humanitarian assistance worker and beat the local staff who was accompanying her. Northern authorities detained three men and at year's end, charges against them were still pending. In June armed men in Takhar Province fired upon the vehicle of an international NGO when the occupants refused to provide a ride to the group. In June near Mazar-i Sharif, armed men shot at a convoy of international NGO vehicles. On June 10, armed men broke into an international NGO's office in Mazar-i Sharif and assaulted the guards on staff. Fighting between commanders loyal to General Dostum's Jumbesh party and Jamiat-i Islami's Mohammad Atta in Balkh Province forced an international NGO to cease its operations in an area to which 3,000 internally displaced persons (IDP) families had returned. The NGO's departure closed the only local health clinic. In Samangan and Jowzjan Provinces, local NGOs reported constant threats and intimidation from local authorities. In Aybak district, commander Almas told NGO staff managing distribution of IDP return assistance cards that unless a substantial number of cards were given to his men, he would halt all IDP returns going through his area. In Kaldar district, 400 workers from an international NGO project were taken hostage as part of a forced recruitment drive conducted by a local commander.
In April armed men killed a senior professional staff member of the U.N. Food and Agricultural Organization (FAO) in his home. At year's end, the alleged killer remained at large. In May fighters affiliated with General Dostum's Jumbesh party attacked IDPs, including the rape of females at a camp in Balkh after young men in the IDP families resisted conscription (see Section 1.f.). Armed men in police uniforms in Mazar-i Sharif forced their way into the home of a senior U.N. national staff member and took $5,000, after claiming that they were searching for women in the house. Sporadic fighting and lawlessness remained a hindrance to assistance efforts in the north through the second half of the year.
During most of the year, continued internal conflict resulted in instances of the use of excessive force that caused the deaths of civilians, property damage, and the displacement

of residents. For example, in November Ismail Khan reportedly ordered an attack on a village near Shindand that precipitated an exchange of rocket fire with rival Pashtun commander Amanullah Khan, killing at least seven persons including four children. During November and December, Ismail Khan and Amanullah Khan continued to fight, resulting in civilian casualties.

In general independent investigations of alleged killings were hindered by the unwillingness of local authorities to allow investigators to visit the areas in question. The Council of the North (General Dostum, Mohammad Atta, and Mohammad Saidi) issued a statement on August 28 denying the allegation and declaring that it was ready to cooperate with an investigation of the mass gravesite at Dasht-i Leili by professional and technical specialists drawn from the U.N. and coalition countries. However, local authorities suggested that there was no guarantee of security for investigators. By year's end, no investigation had taken place.

On November 25, Northern Alliance forces reportedly killed at least 120 prisoners at the Qala-i Jangi Fort, allegedly during the suppression of a riot. In November 2001, Northern Alliance forces reportedly killed 100 to 300 Taliban fighters in Mazar-i Sharif; there were conflicting reports as to whether some of the Taliban forces attempted to surrender before they were shelled.

In November 2001, following a prison revolt, different sources estimated that 200 to 1000 Taliban prisoners died while in the custody of General Abdul Rashid Dostum's forces while being transported in sealed containers from Mazar-i Sharif to Shiberghan prison. According to some accounts, Dostum's troops prevented drivers from making air holes in the containers or from offering water to the prisoners. In February and April, Physicians for Human Rights (PHR) and U.N. experts examined Dasht-i Leili, an area west of Shiberghan, allegedly containing the bodies of Taliban prisoners. U.N. experts found evidence of summary executions and death by suffocation.

The U.N. estimated that there were 5 to 7 million landmines and more than 750,000 pieces of unexploded ordnance throughout the country, planted mainly during the Soviet occupation. However, some NGOs estimated that there may be fewer than 1 million mines. There have been claims that 162 of 356 districts were mine-affected. The most heavily mined areas were the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. From 1995 to 1997, new mines were believed to have been laid over 90 square miles of land, reportedly mostly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly-mined areas were reported but not confirmed in 2000 and, during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these mines in response to the Taliban's summer 2000 offensive.

An estimated 400,000 persons have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance were estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households were affected by the presence of landmines. An estimated 96 percent of civilian mine and unexploded ordnance casualties were male. Approximately 53 percent of mine and unexploded ordnance casualties occurred in the 18 to 40 age group, while 34 percent of the casualties involved children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. organized and trained mine detection and clearance teams, which operated throughout the country. Nearly all areas that have been cleared were in productive use, and more than 1.5 million refugees and IDPs returned to areas cleared of mines and unexploded ordnance. Nonetheless, the mines and unexploded ordnance were expected to pose a threat for many years. Clearance rates and safety increased for clearance teams assisted by dogs. U.N. agencies and NGOs had instituted a number of educational programs and mine awareness campaigns for women and children in various parts of the country. Many were curtailed as a result of Taliban restrictions on

women and girls but have been reinvigorated since the fall of the Taliban. Continued warfare, as well as prolonged and severe drought, also resulted in massive, forced displacement of civilians.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The 1964 Constitution somewhat provided for freedom of speech and of the press; however, some senior officials attempted to intimidate journalists and influence their reporting. The draft press law contained articles that curtail press freedom, specifically information that "offends Islam" or "weakens Afghanistan's army." All information must follow Shari'a law, and a publication could be suspended when the article on forbidden content was violated, although there were no reports of that during the year. There were approximately 150 regular publications. The State owned at least 35 of these publications and almost all of the electronic news media. All other newspapers were published only sporadically and for the most part were affiliated with different provincial authorities. Some government officials through political party ties maintained their own communications facilities. Kabul and other major provincial cities had limited television broadcasts.

During the year, the Government maintained departments that were pre-disposed to crack down on journalists. For example, the security service (Amniat-i Milli) did not disband a section that was tasked with surveillance of the news media.

Government and factional control of television, radio, and most publications throughout the country effectively limited freedom of the press. During the year, the central Government maintained a predominant role in the news media, and criticism of the authorities was rare. While some independent journalists and writers published magazines and newsletters, according to Reporters Without Borders (RWB), circulation largely was confined to Kabul and many were self-censored. In practice many persons listened to the dozen international stations that broadcast in Dari or Pashto. The BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan were available throughout the country. In the countryside, local radio and television stations were under the control of the local authorities.

Journalists were subjected to harassment, intimidation, and violence during the year. For example, HRW reported that security officials in Herat detained and mistreated a local journalist, Rafiq Shaheer, to prevent him from covering the local Loya Jirga selection process. Herat authorities, according to HRW, also pressured journalists to avoid filing stories critical of Ismail Khan and his government. In August Herat officials reportedly prevented journalists from covering Ismail Khan's military operations against Pashtun forces in the Ghorian and Shindand districts. However, at year's end, there were reports that outside newspapers, including the Kabul Weekly, "Ebtekar," and "Takhassos," were circulating with greater frequency and in greater quantities than in earlier times.

According to RWB, reporters were the target of threats and intimidation from militants during the year. For example, one of Radio Solh station's directors, Zakia Zaki, was threatened with death at the time of the station's installation in Jebel-i Sharat. In March unidentified assailants in Gardez injured Toronto Star reporter Kathleen Kenna when a bomb was thrown into her car. Also in March, anonymous leaflets were circulating in the eastern part of the country calling for the abduction of foreign reporters. In October unidentified persons kidnaped and beat a cameraman after he helped a British journalist make a documentary that reported the death of thousands of Taliban fighters at the hands of General Dostom (see Section 4).

A number of journalists were killed during the intensified fighting late in 2001. In November 2001, in Nangarhar Province, armed men forced four journalists, Harry Burton, Maria Grazia Cutuli, Julio Fuentes, and Azizullah Haidari, out of their convoy of vehicles and executed them. On February 9, an Interior Ministry official announced the arrest of two suspects in the killing; however, by year's end, no confirmation of those arrests had taken place.

There were a few reports that government forces prohibited music, movies, and television on religious grounds. For example, in August the head of Kabul Radio and TV Engineer Eshaq, who was affiliated with Jamiat-i Islami, briefly banned the appearance of women singers on television (see Section 5). However, unlike in previous years, televisions, radios, and other electronic goods were sold freely, and music was played widely.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The 1964 Constitution states that citizens have the right to assemble without prior permission and to form political parties; however, tenuous security and likely opposition from local authorities seriously inhibited freedom of assembly and association outside of Kabul during most of the year. In Kabul a spectrum of organizations and political parties operated. Citizens staged two civil society forums in Kabul with the assistance of the NGO Swisspeace. Progressive political parties and movements were able to meet without interference in Kabul.

In September an International Conference on Media and Law took place in Kabul. Approximately 300 citizens attended along with a number of international observers. The conference included Afghan officials who made themselves available during panel discussions for a wide-ranging set of questions from the conference participants. In November a group of journalists in Balkh Province reportedly formed an "independent writer's club."

The Government used harassment and excessive force against demonstrators during the year. For example, in November, Interior Ministry forces fired on Kabul University students protesting poor living conditions at the school and killed two demonstrators.

The Government allows for freedom of association; however, there were reports of harassment by officials during the year. In Herat HRW reported that Ismail Khan's officials harassed and interfered with the Professionals' Shura, the Herat Literary Society, and the Women's Shura. In September forces loyal to Ismail Khan prevented the Professionals' Shura from holding a seminar on the new currency. Authorities pressured the literary society to avoid the subject of women's rights. Ismail Khan's handpicked leadership for the Women's Shura reportedly criticized Shura members who openly disagreed with Khan's views on women's rights.

At year's end, NGOs and international organizations continued to report that local commanders were charging them for the relief supplies they were bringing into the country (see Sections 1.g. and 4).

c. Freedom of Religion

The 1964 Constitution, in effect under the Bonn Agreement, states that Islam is the "sacred religion of Afghanistan" and states that religious rites of the state shall be performed according to the Hanafi doctrine. The Constitution also states that "non-Muslim citizens shall be free to perform their rituals within the limits determined by laws for public decency and public peace." The central Government began to pursue a policy of religious tolerance during the year; however, custom and law required affiliation with some religion, and atheism was considered apostasy and was punishable by death.

Reliable sources estimated that 85 percent of the population were Sunni Muslim, and most of the remaining 15 percent were Shi'a. Shi'a, including the predominately Shi'a Hazara ethnic group, were among the most economically disadvantaged persons in the country. Relations between the different branches of Islam in the country were difficult. Historically, the minority Shi'a faced discrimination from the majority Sunni population. The Shi'a minority advocated a national government that would give them equal rights as citizens. There also were small numbers of Ismailis living in the central and northern parts of the country. Ismailis were Shi'a but consider the Aga Khan their spiritual leader.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country. The small number of non-Muslim residents remaining in the country may practice their faith but may not proselytize.

Following the Emergency Loya Jirga in June, Dr. Sima Samar, the former Minister for Women's Affairs was charged with blasphemy for allegedly insulting Islam (see Section 5).

The parts of the country's educational system that survived more than 20 years of war placed considerable emphasis on religion. However, since the fall of the Taliban, public school curriculums have included religious subjects, but detailed religious study was conducted under the guidance of religious leaders. There is no restriction on parental religious teaching.

Before the October 2001 collapse of the Taliban, repression by the Taliban of the Hazara